

VITAL STATISTICS CHANGE PROCESS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill addresses legally changing an individual's name or gender.

Highlighted Provisions:

This bill:

- addresses duties of the state registrar and inspection of vital records;
- defines terms;
- addresses a court process for a legal gender change petition;
- establishes what a court considers;
- establishes effect of proceedings;
- addresses combined petitions; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

26-2-11, as last amended by Laws of Utah 1995, Chapter 202

ENACTS:

78B-6-2200, Utah Code Annotated 1953

78B-6-2201, Utah Code Annotated 1953

78B-6-2202, Utah Code Annotated 1953

78B-6-2203, Utah Code Annotated 1953

78B-6-2204, Utah Code Annotated 1953

78B-6-2205, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-2-11** is amended to read:

26-2-11. Name or gender change -- Registration of court order and amendment of birth certificate.

(1) When a person born in this state has a name change under Title 42, Chapter 1, Change of Name, or [sex] gender change under Title 78B, Chapter 6, Part 22, Change of Legal Gender, approved by an order of a [~~Utah district court or~~] court of competent jurisdiction or a name or gender change approved by a court of competent jurisdiction of another state or a province of Canada, a certified copy of the order [~~may~~] shall be filed with the state registrar with an application form provided by the registrar.

(2) (a) Upon receipt of the application, a certified copy of the order for a name change, and payment of the required fee, the state registrar shall review the application, and if complete, register it and note the fact of the amendment on the otherwise unaltered original birth certificate unless otherwise ordered by a court for good cause shown.

(b) The name change amendment shall be registered with and become a part of the original birth certificate and a certified copy shall be issued to the applicant without additional cost.

(3) (a) Upon receipt of the application, a certified copy of the order for a legal gender change or a combined name and legal gender change, and payment of the required fee, the state registrar shall review the application, and if complete, register the application.

(b) The state registrar may not make a notation of a legal gender change or combined name and legal gender change amendment on a certified copy of a birth certificate unless otherwise ordered by a court for good cause shown.

(4) Nothing in this section, Title 42, Chapter 1, Change of Name, or Title 78B, Chapter 6, Part 22, Change of Legal Gender, modifies Section 26-2-22.

Section 2. Section **78B-6-2200** is enacted to read:

Part 22. Change of Legal Gender

78B-6-2200. Title.

This part is known as "Change of Legal Gender."

Section 3. Section **78B-6-2201** is enacted to read:

78B-6-2201. Definitions.

As used in this part:

(1) "Individual" means a natural person.

(2) "Petitioner" means an individual who files a petition under Section 78B-6-2202.

Section 4. Section **78B-6-2202** is enacted to read:

78B-6-2202. By petition to court -- Contents.

(1) An individual, desiring to change the individual's legal gender, may file a petition:

(a) (i) in a court of competent jurisdiction in the county in which the petitioner resides;

or

(ii) if an individual born in Utah but not residing in Utah, in the district encompassing Salt Lake City; and

(b) if the individual is 15 years of age or older.

(2) A petition for change of legal gender shall set forth:

(a) the cause for which the change of legal gender is sought;

(b) the proposed legal gender;

(c) that the petitioner is not involved in a court action or proceeding other than the proceeding to change the petitioner's legal gender, or if so, a description of the court action or proceeding;

(d) that the petitioner is not on probation or parole, or that the petitioner has given written notice of the petitioner's petition for legal gender change to the petitioner's probation or parole officers;

(e) that the petitioner is not changing the petitioner's legal gender to avoid creditors or anyone else with a claim against the petitioner;

(f) that the change in legal gender will not affect any right, title, or interest of anyone else;

(g) that the change in legal gender is not being done for any illegal, fraudulent, or wrongful purpose; and

(h) that the change in legal gender is consistent with the petitioner's gender identity as defined in Section 34A-5-102.

Section 5. Section **78B-6-2203** is enacted to read:

78B-6-2203. Notice of hearing -- Order of change.

(1) A court of competent jurisdiction that receives a petition under Section 78B-6-2202:

95 (a) shall schedule a hearing; and

96 (b) may order the petitioner to provide notice of the hearing to other parties with a legal
97 interest.

98 (2) (a) A court of competent jurisdiction shall order a change of legal gender as
99 requested, upon proof of the assertions of the petition filed under Section 78B-6-2202.

100 (b) If the court orders a legal gender change, the court shall order that the legal gender
101 is "female", "male", or "x".

102 (3) Notwithstanding any other section, a court may close to the public a hearing related
103 to a petition for change of legal gender upon request of the petitioner and court approval.

104 Section 6. Section **78B-6-2204** is enacted to read:

105 **78B-6-2204. Effect of proceedings.**

106 A proceeding for a change of legal gender under this part does not affect a pending
107 legal action, pending proceeding, right, title, or interest.

108 Section 7. Section **78B-6-2205** is enacted to read:

109 **78B-6-2205. Combined petitions.**

110 A petition for a change of legal gender under this part and a petition for a change of
111 name under Title 42, Chapter 1, Change of Name, may be combined into a single petition.